

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 RUBEN ROBERTS,

11 Petitioner,

No. CIV S-04-2232 MCE EFB P

12 vs.

13 KEN CLARK, Warden,

14 Respondent.

ORDER

15 _____/
16 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of
17 habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States
18 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On March 7, 2008, the magistrate judge filed findings and recommendations herein
20 which were served on all parties and which contained notice to all parties that any objections to
21 the findings and recommendations were to be filed within fourteen days. Neither party has filed
22 objections to the findings and recommendations.

23 The court has reviewed the file and finds the findings and recommendations to be
24 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
25 ORDERED that:

26 /////

1. The findings and recommendations filed March 7, 2008, are adopted in full;


2. Respondent's January 30, 2006, motion to dismiss is granted as follows:

a. All claims challenging the judgment of conviction are dismissed with prejudice on the ground that they are untimely;

b. All claims challenging the order to revoke probation and to revoke suspension of the sentence are dismissed without prejudice on the ground that petitioner failed to exhaust the available state remedies; and

3. The Clerk is directed to close the case.

Dated: March 28, 2008


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE